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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/08/2006

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EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,171

Applicant(s)

TENEREILLO ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE filed 05/10/2006.
2. Claims 1, 4, 12, 16 and 19 were amended.
3. Claims 1-20 are pending in this office action.

Response to Amendment

4. Applicant's arguments filed 05/10/2006 have been fully considered but they are not persuasive. See Response to Arguments. Accordingly, the grounds of rejection as presented in the 02/10/2006 are respectfully maintained and modified in light of the amendments.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 states the limitation, "substituting the Base URI for a HyperText Markup Language (HTML) Base tag within each of the first packets by the personal content directors of at least the first and second local domains, the HTML

Base tag is adapted to point to the first local domain" (emphasis added). Page 15 of the specification states, "At the synchronizing PCD and each receiving PCD, the Base URI 435 is substituted for an HTML Base tag that points to its own local domain" (emphasis added). Based on this information, it would seem that a PCD in a first local domain would adapt the tag to point to the first local domain, while a PCD in a second local domain would adapt the tag to point to the second local domain. However, the specification does not provide a description of a personal content director of a second domain having a substituted HTML Base tag that is adapted to point to the first local domain. Therefore, claim 1 fails to comply with the written description requirement.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,185,598 by Farber et al. (Farber) in view of U.S. Patent 6,742,044 by Aviani et al. (Aviani).

9. With respect to Claim 1, Farber teaches adapted for a network including a client and a plurality of local domains including at least a first local domain and a second local domain, a method comprising:

segmenting content including a Base Uniform Resource Identifier (URI) (Col. 16 lines 51-65) into multiple packets by a personal content director of the first local domain (Col. 3 lines 51-59 and Col. 1 lines 10-27, noting that content is segmented into packets when the network is the internet), a first packet of the multiple packets including the Base URI (Col. 16 lines 51-65 and Col. 4 lines 33-38 and lines 55-57, noting that HTTP header information includes the Base URL);

substituting the Base URI for a Hypertext Markup Language (HTML) Base tag within the first packets by the personal content director of the first local domain, the HTML Base tag is adapted to point to the first local domain (Col. 16 lines 51-65); and

transmitting the first packet with the HTML Base tag by the personal content director to the client (Col. 10 lines 60-63).

Farber teaches selection of a personal content director based on some measure of network distance and that other similar dynamic solutions could be used (Col. 11 lines 10-17). Farber teaches a copy of a resource may be sent from one peer cache to another (Col. 10 lines 39-59).

Farber does not explicitly disclose transmitting the first packet of the multiple packets by the personal content director of the first local domain to at least a personal content director for the second local domain and subsequently additionally transmitting the first packets from the second personal director. This is in part, due to Farber using a different solution to select the particular personal content director to serve the client. Keeping in mind that Farber suggest using other solutions, Aviani discloses another solution. Aviani teaches multiple personal content director (BOOM clients Col. 6 lines

40-65), wherein a particular personal content director is chosen based on the smallest propagation delay (ie. a "race" solution) to the client (Col. 5 lines 41-54). To implement the race solution, each personal content director is forwarded a copy of the request (Col. 7 lines 27-42). Each personal content director can then send a response to the client, including an identification of the personal content director (Col. 9 lines 25-30). The personal content director selected to serve the client will be the one whose response was first received by the client (Col. 9 lines 25-55). Aviani also teaches that each personal content director may act as data cache (Col. 6 lines 51-65) and that the host server may be a personal content director (Col. 10 lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Farber and modify it as indicated by Aviani such that the method further comprises transmitting the first packet of the multiple packets by the personal content director of the first local domain to at least a personal content director for the second local domain; substituting the Base URI for a Hypertext Markup Language (HTML) Base tag within each of the first packets by the personal content directors of at least the first and second local domains, the HTML Base tag is adapted to point to the first local domain; and transmitting the first packet with the HTML Base tag by the personal content directors to the client. One would be motivated to have this, as there is need for alternative solutions for providing fast and efficient routing and load balancing of web traffic across data networks (In Aviani: Col. 2 lines 29-32 and Col. 5 lines 41-54).

10. With respect to Claim 2, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches retrieving content by the personal content director at the first local domain (In Farber: Col. 10 lines 38-63).

11. With respect to Claim 3, Farber in view of Aviani teaches all the limitations of Claim 2 and further teaches wherein the Base URI being an Uniform Resource Identifier (URI) provided by an initial request by the client causing retrieval of the content by the personal content director at the first local domain (In Farber: Col. 10 lines 38-63).

12. With respect to Claim 4, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches wherein the transmitting of the first packets being synchronized through an exchange of time synchronization messages over separate Transmission Control Protocol (TCP) connections (In Aviani: Col. 5 lines 41-63 and Col. 12 lines 27-58).

13. With respect to Claim 5, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches wherein transmission of the first packet between the personal content director at the first local domain and at least the personal content director at the second local domain is made over an authenticated communication link (In Aviani: Col. 7 line 61 - Col. 8 line 23).

14. With respect to Claim 6, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches wherein the HTML Base tag substituted within the first packet transmitted by the person content director of the first local domain points to the first local domain (In Farber: Col. 16 lines 51-65).

15. With respect to Claim 7, Farber in view of Aviani teaches all the limitations of Claim 6 and further teaches wherein the HTML Base tag substituted within the first packet transmitted by the person content director of the second local domain points to the second local domain (In Farber: Col. 16 lines 51-65).

16. With respect to Claim 8, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches wherein the first packets with the HTML Base tags are simultaneously transmitted by the personal content directors (In Aviani: Col. 9 lines 25-40).

17. With respect to Claim 9, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches wherein the first packets with the HTML Base tags are transmitted by the personal content directors substantially concurrent to each other (In Aviani: Col. 9 lines 25-40).

18. With respect to Claim 10, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches incorporating an earlier first packet received by the client from the plurality of personal content directors into a data stream and disregarding the later received first packets (In Aviani: Col. 9 lines 25-55 and Col. 10 line 66 - Col 11 line 8).

19. With respect to Claim 11, Farber in view of Aviani teaches all the limitations of Claim 1 and further teaches accessing the local domain associated with the person content director that transmitted the first data packet earliest received by the client for subsequent data requests (In Aviani: Col. 9 lines 25-55 and Col. 10 lines 48-55).

20. With respect to Claim 12, Farber teaches, adapted for performing proximity measurements over a network including a client and a plurality of local domains (Col. 5 lines 35-39), a method comprising:

retrieving a file by logic within a first local domain of the plurality of local domains (Col. 10 lines 38-59), the file including a plurality of links for downloadable streaming media (Col. 5 line 41 - Col. 6 line 15);

transmitting a copy of the file from the first local domain to at least a second local domain of the plurality of local domains (Col. 10 lines 39-59);

translating at least one link of the plurality of links to point to a corresponding local domain (Col. 16 line 51 - Col. 17 line 12);

transmitting the file to the client (Col. 10 lines 60-63).

Farber teaches selection of a personal content director based on some measure of network distance and that other similar dynamic solutions could be used (Col. 11 lines 10-17). Farber teaches a copy of a resource may be sent from one peer cache to another (Col. 10 lines 39-59).

Farber does not explicitly disclose transmitting a copy of a file from the first local domain to at least a second local domain for the purpose of transmitting the file and at least the copy of the file to the client for determining one of the plurality of local domains being most proximate to the client, the transmitting of the file and the copy of the file being synchronized through an exchange of time synchronization messages over separate Transmission Control Protocol (TCP) connections. This is in part, due to Farber using a different solution to select the particular personal content director to

serve the client. Keeping in mind that Farber suggest using other solutions, Aviani discloses another solution. Aviani teaches multiple personal content director (BOOM clients Col. 6 lines 40-65), wherein a particular personal content director is chosen based on the smallest propagation delay (ie. a "race" solution) to the client (Col. 5 lines 41-54). To implement the race solution, each personal content director is forwarded a copy of the request (Col. 7 lines 27-42). Each personal content director can then send a response to the client, including an identification of the personal content director (Col. 9 lines 25-30). The transmitting of the file and the copy of the file are synchronized through an exchange of time synchronization messages over separate Transmission Control Protocol (TCP) connections (Col. 5 lines 41-63 and Col. 12 lines 27-58). The personal content director selected to serve the client will be the one considered to be the most proximate to the client based on whose response was first received by the client (Col. 9 lines 25-55). Aviani also teaches that each personal content director may act as data cache (Col. 6 lines 51-65) and that the host server may be a personal content director (Col. 10 lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Farber and modify it as indicated by Aviani such that the method further comprises at each local domain, translating at least one link of the plurality of links to point to that corresponding local domain; transmitting the file and at least the copy of the file to the client for determining one of the plurality of local domains being most proximate to the client, the transmitting of the file and the copy of the file are synchronized through an exchange of time

synchronization messages over separate Transmission Control Protocol (TCP) connections. One would be motivated to have this, as there is need for alternative solutions for providing fast and efficient routing and load balancing of web traffic across data networks (In Aviani: Col. 2 lines 29-32 and Col. 5 lines 41-54).

21. With respect to Claim 14, Farber in view of Aviani teaches all the limitations of Claim 12 and further teaches wherein the translation of the at least one link of the plurality of links is conducted in accordance with predetermined link translation rules (In Farber: Col. 16 line 51 - Col. 17 line 12).

22. With respect to Claim 15, Farber in view of Aviani teaches all the limitations of Claim 12 and further teaches wherein the transmission of the file between the plurality of local domains is made over an established, authenticated communication link (In Aviani: Col. 7 line 61 - Col. 8 line 23).

23. With respect to Claim 16, Farber in view of Aviani teaches all the limitations of Claim 12 and further teaches wherein at least the file and the copy of the file are synchronized through an exchange of time synchronization messages over separate Transmission Control Protocol (TCP) connections and transmitted from the plurality of local domains (In Aviani: Col. 5 lines 41-63 and Col. 12 lines 27-58, Col. 9 lines 25-40).

24. With respect to Claim 17, Farber in view of Aviani teaches all the limitations of Claim 12 and further teaches incorporating an earliest one of the file and the copy of the file received by the client into a data stream and disregarding the later received one of the file and the copy of the file (In Aviani: Col. 9 lines 25-55 and Col. 10 line 66 - Col 11 line 8).

25. With respect to Claim 18, Farber in view of Aviani teaches all the limitations of Claim 17 and further teaches accessing the local domain associated with the earliest received one of the file and the copy of the file for subsequent data downloads of the streaming media by the client (In Aviani: Col. 9 lines 25-55 and Col. 10 lines 48-55).

26. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farber in view of Aviani and in further view of U.S. Patent 6,029,200 by Beckerman (Beckerman).

27. With respect to Claim 13, Farber in view of Aviani teaches all the limitations of Claim 12 and further teaches the files may be those which include resource identifiers (In Farber: Col. 16 lines 28-32).

Farber in view of Aviani does not explicitly disclose the file is configured in an ASX metafile format. However, Beckerman teaches an ASX file is a file which includes resource identifiers Col. 4 line 35 - Col. 5 line 52.

As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Farber in view of Aviani and modify it as indicated by Beckerman such that the file is configured in an ASX metafile format. One would be motivated to have this, as it is explicitly stated that the files may be those which include resource identifiers (In Farber: Col. 16 lines 28-32), which includes ASX files. Furthermore, there is desire to off-load request processing for such files (In Farber: Col. 2 lines 55-60).

28. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,553,376 by Lewis (Lewis), Beckerman and Aviani.

29. With respect to Claim 19, Lewis teaches retrieving a file by logic within a first local domain of a plurality of local domains, the file including a link for downloadable streaming media (Col. 2 lines 20-31, Col. 6 lines 26-35, and note Col. 5 line 60 - Col. 6 line 4 indicated an example in the form of an ASF file); creating a redirect packet for the link by translating the location field of the redirect packet to point to a local domain (Col. 6 lines 36-45); and transmitting the redirect packet to the client (Col. 6 lines 36-45). Lewis further teaches the selection of a local domain can be determined based on which one is closest (Col. 8 lines 41-53).

Lewis does not explicitly disclose the file including a plurality of links where groupings of unique links from the plurality of links are established, with each grouping including at least one link of the plurality of links. Beckerman teaches a file can contain a plurality of links, particularly a plurality of links like those described by Lewis (In Beckerman: Col. 4 line 35 - Col. 5 line 52, ASX file can contain a plurality of links to ASF files). Beckerman further establishes groupings of unique links from the plurality of links, each grouping including at least one link of the plurality of links (Col. 5 lines 28-40).

Lewis does not explicitly disclose transmitting a redirect packet to at least a second local domain such that redirect packets are transmitted from the local domains to the client for determining one of the plurality of local domains being most proximate to the client for downloading the streaming media associated with the first grouping, the

transmitting of the redirect packets being synchronized through an exchange of time synchronization messages over separate Transmission Control Protocol (TCP) connections. Aviani discloses a technique for determining a local domain that is most proximate to the client. Aviani teaches multiple local domains (BOOM clients Col. 6 lines 40-65), wherein a particular local domain is chosen based on the smallest propagation delay (ie. a "race" solution) to the client (Col. 5 lines 41-54). To implement the race solution, each local domain is forwarded a copy of the request (Col. 7 lines 27-42). Each local domain can then send a response to the client, including an identification of the personal content director (Col. 9 lines 25-30). The transmitting is synchronized through an exchange of time synchronization messages over separate Transmission Control Protocol (TCP) connections (Col. 5 lines 41-63 and Col. 12 lines 27-58). The local domain selected to serve the client will be the one considered to be the most proximate to the client based on whose response was first received by the client (Col. 9 lines 25-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Lewis and modify it as indicated by Beckerman and Aviani such that the method comprises (a) retrieving a file by logic within a first local domain of a plurality of local domains, the file including a plurality of links for downloadable streaming media; (b) establishing groupings of unique links from the plurality of links, each grouping including at least one link of the plurality of links; (c) creating a redirect packet for a first grouping; (d) transmitting the redirect packet for the first grouping to at least a second local domain of the plurality of local domains; (e) at

each local domain, translating a location filed of the redirect packet to point to that local domain; (f) transmitting the redirect packets from the local domains to the client for determining one of the plurality of local domains being most proximate to the client for downloading the streaming media associated with the first groupings, the transmitting of the redirect packets being synchronized through an exchange of time synchronization messages over separate Transmission Control Protocol (TCP) connections. One would be motivated to incorporate the teachings of Beckerman, as there is desire for avoiding difficulties of handling files related to streaming multimedia (In Lewis: Col. 2 lines 41-56), including those including unique groupings (In Beckerman: Col. 1 lines 50-65 and Col. 2 lines 49-57). One would be motivated to incorporate the teachings of Lewis, as there is need for alternative solutions for providing fast and efficient routing and load balancing of web traffic across data networks (In Aviani: Col. 2 lines 29-32 and Col. 5 lines 41-54).

30. With respect to Claim 20, Claim 20 is rejected based on the same logic presented in the rejection of Claim 19, recognizing the combination presented would operate for any remaining groups.

Response to Arguments

31. Applicant's arguments filed 05/10/2006 have been fully considered but they are not persuasive.

32. Applicants argue on page 6 of the remarks - "*The BASE directive differs from the HTML Base tag because the HTML Base tag is used to point to the local domain of a personal content director (PCD). Emphasis added. The Base directive does not provide such teachings.*"


a. Examiner's response - Applicants' arguments seem to imply that the HTML Base tag is used by each PCD to point to their own local domain. In other words, the PCD of the first local domain will substitute the base URI for a HTML Base tag adapted to point to the first local domain, and the at least second PCD will substitute the base URI for a HTML Base tag adapted to point to the second local domain. Claim 1, however, does not have the same scope that applicants' arguments imply. The claim language states "*the HTML Base tag is adapted to point to the first local domain*" (emphasis added). Based on the claim language, the HTML Base tag is adapted only to point to the first local domain. The examiner asserts that Farber's teachings are still within this scope. Col. 16, lines 57-61, states, "*The BASE address added specifies the resource at the reflector which originally served the resource. This means that unprocessed relative URLs...will be interpreted as relative to the reflector.*" The examiner interprets the reflector as being the personal content director of the first local domain. As such, the examiner considers the BASE directive to be within the scope of a "HTML Base tag adapted to point to the first local domain".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Lazaro
August 3, 2006


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